1 2 3 4 5 6 UNITED STATES DISTRICT COURT WESTERN DISTRICT OF WASHINGTON AT SEATTLE 7 8 DAVID JOEL HERNANDEZ LOPES, Petitioner, 9 Case No. C09-1785-RSM-BAT 10 v. **REPORT AND** RECOMMENDATION A. NEIL CLARK, Field Office Director, U.S. 11 Immigration and Customs Enforcement, 12 Respondent. 13 14 On December 16, 2009, petitioner, proceeding pro se, filed a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241, which challenges the lawfulness of his continued detention 15 16 by the U.S. Immigration and Customs Enforcement ("ICE") at the Northwest Detention Center 17 in Tacoma, Washington. (Dkt. No. 6.) On February 19, 2010, respondent filed a Return and 18 Motion to Dismiss, asserting that petitioner was afforded a bond hearing during which he was 19 granted release on bond in the amount of \$5,000. (Dkt. No. 13.) Respondent argues that because 20 petitioner was afforded a bond hearing, this action is moot and should be dismissed. Id. On 21 April 22, 2010, respondent submitted a declaration and documentation, which indicates that 22 petitioner was released from immigration custody pursuant to a posting of bond imposed by an 23 Immigration Judge. (Dkt. No. 18, Ex. 1.) **REPORT AND RECOMMENDATION - 1**

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1	For a federal court to have jurisdiction, "an actual controversy must exist at all stages
2	of the litigation." Biodiversity Legal Foundation v. Badgley, 309 F.3d 1166, 1173 (9th Cir.
3	2002). "When a controversy no longer exists, the case is moot." <i>Id</i> . Because petitioner is no
4	longer detained by ICE, the Court finds that petitioner's habeas petition should be dismissed as
5	moot. See, e.g., Cooney v. Edwards, 971 F.2d 345, 346 (9th Cir. 1992) (holding that the District
6	Court properly dismissed plaintiff's claims that had become either moot or unripe).
7	Accordingly, I recommend that this action be dismissed without prejudice and without award of
8	costs to either party. A proposed Order accompanies this Report and Recommendation
9	DATED this 8 th day of June, 2010.
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11	BRIAN A. TSUCHIDA
12	United States Magistrate Judge
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